

**MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
58th LEGISLATURE - REGULAR SESSION**

**CONFERENCE COMMITTEE ON SENATE AMENDMENTS TO HOUSE BILL 536**

**Call to Order:** By **CHAIRMAN GARY L. PERRY**, on April 15, 2003 at 10:15 A.M., in Room 335 Capitol.

**ROLL CALL**

**Members Present:**

Sen. Gary L. Perry, Chairman (R)  
Rep. John Brueggeman, Vice-Chairman (R)  
Sen. Jerry W. Black (R)  
Sen. Jeff Mangan (D)  
Rep. Mark Noennig (R)  
Rep. Paul Clark (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Valencia Lane, Legislative Branch  
Mari Prewett, Committee Secretary

**Please Note.** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing & Date Posted: HB 536, 4/11/2003  
Executive Action:

**SEN. PERRY** stated that there was an amendment which had been presented by REP. BRUEGGEMAN and prepared by Ms. Lane. The amendment was distributed to the Committee and is attached as Exhibit 1.

**EXHIBIT**(cch81hb0536a01)

**Motion:** REP. BRUEGGEMAN moved that the AMENDMENT TO HB 536 BE ADOPTED.

**Discussion:**

**REP. NOENNIG** explained his problems with the bill and discussed the proposed amendments. He stated that he was concerned about the mandatory disclosure statement and the consequences that could arise from such a statement. He went on to say he felt that disclosure should be discretionary not mandatory.

**Vote:** Motion that AMENDMENT TO HB 536 BE ADOPTED carried 6.0 by voice vote.

**SEN. MANGAN** stated that he would like to move a conceptual amendment to strike on Page 3, Lines 22 and 23 the liability language. He continued that the Subsection would be stricken in its entirety with the appropriate language removed from Page 3, Lines 3 -7. He went on to say that one of the issues of the bill that he had, was that the liability language would be in a document 30 to 40 pages long, people would not necessarily read it thoroughly and would initial it anyway, which could create problems with the immunity side of the bill.

**Motion:** SEN. MANGAN moved that the CONCEPTUAL AMENDMENT TO SB 536 BE ADOPTED.

**Discussion:**

**REP. BRUEGGEMAN** stated that he had to object to the amendment. He pointed out that if the amendment were added there would be no strength to the bill. He continued stating that the bill was a positive incentive for those who wished to disclose the potential hazard.

**SEN. MANGAN** responded that the bill had been presented as there were underlying issues with mold. He went on to say that mold was hurting people across the United States. He continued that if it was not, there would never have been a bill. He further stated that in his opinion to give blanket immunity did not make sense.

**REP. NOENNIG** explained that mold was not a problem in regard to health issues, unless it was a serious condition and then usually only in the wetter climates. He continued that he did not think there was absolute liability involved. He went on to say that he did not think that someone could be held responsible for something they did not know about, therefore, there would not be a duty to test. He concluded by saying that if a person was aware of a problem and did not disclose it, they would be liable.

**Vote:** Motion that the CONCEPTUAL AMENDMENT TO SB 536 BE ADOPTED failed 2-4 by voice vote with SEN. MANGAN and REP. P. CLARK voting aye.

**Motion/Vote:** REP. BRUEGGEMAN moved that SB 536 BE ADOPTED AS AMENDED. Motion carried 5-1 by voice vote with SEN. MANGAN voting no.

**Motion/Vote:** REP. BRUEGGEMAN moved that CONFERENCE COMMITTEE REPORT BE ADOPTED. Motion carried 5-1 with SEN. MANGAN voting no.

**ADJOURNMENT**

Adjournment: 10:24 A.M.

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SEN. GARY PERRY, Chairman

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MARI PREWETT, Secretary

GP/MP

**EXHIBIT** (cch81hb0536aad)